



STATE OF NEW JERSEY

In the Matter of Richard Booth,
Veterans Service Officer, Hunterdon
County

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

CSC Docket No. 2019-3195

Examination Appeal

ISSUED: JUNE 14, 2019 (SLK)

Richard Booth appeals the determination of the Division of Agency Services (Agency Services) that he did not pass the qualifying examination for Veterans Service Officer, Hunterdon County.

By way of background, upon Hunterdon County’s request for a demotional title change, the appellant’s credentials were reviewed to determine if he met the requirements for Veterans Service Officer. Agency Services evaluated the appellant’s credentials on April 22, 2019. The appellant indicated on his application that he was provisionally serving in the subject title from July 2018 to the April 22, 2019¹ evaluation date, a Senior County Park Ranger from January 2002 to July 2018, a Battery Technician for Static Power Conversion Services from May 2000 to December 2001, and an Inbound Computer Sales Representative for Microwarehouse from September 1997 to April 2000. Personnel records indicate that the appellant was a Senior County Park Ranger from December 2014 to July 2018 and a County Park Ranger from January 2002 to June 2013. Agency Services determined that the appellant did not meet the requirements for the subject title and thus, did not pass the qualifying examination. In this regard, the requirements for Veterans Service Officer were two years of experience in the gathering of information from clients and providing guidance, assistance or explanation of benefits and services. Agency

¹ Personnel records indicate that the appellant was returned to his permanent title, Senior County Park Ranger, effective April 22, 2019.

Services credited that appellant with 10 months of experience based on his provisional service in the subject title, but determined that he lacked one year and two months of experience.

On appeal, the appellant presents that as a Senior County Park Ranger and County Park Ranger, his primary responsibilities included visitor services and law enforcement. In this position, he provided the public with general information about the parks and the programs that the park system had to offer. Additionally, his secondary responsibilities included office duties such as filing, summons control, taking care of confidential information, and managing databases for law enforcement. The appellant highlights that he was trained for the subject title by the National Association of Veterans Service Officers and earned his accreditation from this organization in January 2019. He presents that this accreditation gives him power of attorney to represent clients when dealing with the United States Department of Veterans Affairs (Veterans Affairs). The appellant indicates that he has approximately 40 clients and the list is growing as he sees three to seven Veterans per week. Further, he recently received a Personal Identity Verification card, which provides him access to the Veterans Affairs' databases, including a database for processing Veterans' claims. The appellant indicates that since the appointing authority paid for his training, he signed a contract requiring him to remain employed by the appointing authority for at least two years. He describes in detail the duties that he performs while serving provisionally in the subject title. The appellant highlights that he is a Veteran and the good relationships that he has with local military organizations. Additionally, he received training from Veterans Affairs, the State Department of Military and Veterans Affairs, and the New Jersey Association of County Veterans Service Officers. He asserts that being a Veteran helps his clients feel more relaxed and helps him relate to his clients.

Additionally, the appointing authority submits a letter in support of the appellant's appeal. It reiterates that the appellant, as a Senior County Park Ranger and County Park Ranger, interacted with the public by guiding them through programs, events, services and venues available within the County Park System. The appointing authority suggests that the Civil Service Commission (Commission) consider a classification adjustment for the subject title allowing for a substitution clause for military service and/or the completion of the certification program. It indicates that displacing the appellant from the subject title will result in a critical void in services for Hunterdon County Veterans. The appointing authority asserts that the time it would take to advertise, interview, hire or promote provisionally and then wait for this agency to announce, review eligibility and provide a list of eligibles, which may or may not result in a reachable provisional, will be a "monumental waste of time" as the appellant is qualified and successfully serving in this vital position. It argues that the Civil Service system is failing to meet the needs to effectively and efficiently serve the interest of public employment and service in New Jersey. The appointing authority argues that this matter is an example of that failure and that a

denial of the appellant's appeal will only serve to impact those who should be revered and honored for their service.

CONCLUSION

N.J.A.C. 4.7.8(a)1 provides that a voluntary demotion is the voluntary movement of a permanent employee from his or her permanent title to a lower title in local service.

N.J.A.C. 4A:4-7.8(c) provides, in pertinent part, that if the nature of the work, education and experience qualifications of both titles are dissimilar for a demotional title change, then the employee shall be appointed pending examination. An employee who fails that examination shall be restored to his or her permanent title.

N.J.A.C. 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

In this matter, the appointing authority seeks to move the appellant from the title of Senior County Park Ranger (class code 15) to the title of Veterans Service Officer (class code 6). In accordance with *N.J.A.C.* 4A:4-7.8(a), this movement constitutes a demotion. Veterans Service Officer is clearly not a lower related title; thus, *N.J.A.C.* 4A:4-7.8(c) would require the appellant to be placed in this title pending a qualifying examination. A "Qualifying Examination" requires a candidate to demonstrate that he or she possesses the necessary experience for a particular title in order to effect a demotional transfer to the title with permanent status. Since a determination of eligibility equates to a candidate passing this type of examination, and generally results in the candidate's permanent appointment, it is imperative that the candidate demonstrate that he meets the requirements as of the qualifying examination date.

In this case, it is clear that Agency Services correctly determined that the appellant did not pass the examination as the appellant's experience as a Senior County Park Ranger and County Park Ranger, as well as his experience in the private sector, did not primarily involve the required duties. The fact that the appellant had interactions with the public and provided information as a Senior County Park Ranger and County Park Ranger, is not the same as the required duties. In order for experience to be considered applicable, it must have as its primary focus full-time responsibilities in the areas required in the announcement. *See In the Matter of Bashkim Vlashi* (MSB, decided June 9, 2004). Further, while the Commission recognizes that the appellant has received training for the subject title and appreciates the value of the appellant's service, particularly how it relates to this title, this is not a substitute for having the required experience.

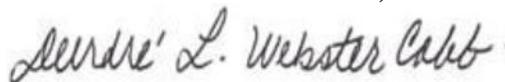
One other matter needs to be addressed. In response to the appointing authority's comments about the Civil Service system, *N.J.S.A.* 11A:4-13(b) provides, in pertinent part, that the appointing authority certifies that in each individual case the appointee meets the minimum qualification for the title at the time of appointment. Therefore, as it should have been clear to the appointing authority at the time it provisionally appointed the appellant in the subject title that he did not meet the requirements, the appointing authority should not have provisionally appointed him. Instead, it chose to invest time and money in the training of the appellant and now claims hardship if the Commission does not approve his appointment. However, the appointing authority should have either provisionally appointed someone who met the subject title requirements, which could have been done immediately, or asked for an open-competitive examination. Further, prior to provisionally appointing the appellant, it could have requested that this agency review the requirements for the subject title as it now suggests on appeal. However, any hardship that displacing the appellant from the subject title is causing the appointing authority is not the fault of the Civil Service system, but caused by its choices. It is noted that the Civil Service is so vital to the State that it is part of the State Constitution and following it is not optional for those appointing authorities covered under its provisions. Civil Service was adopted to ensure that public employment in Civil Service jurisdictions is based on merit and fitness and not patronage or other factors not associated with merit and fitness. While one could quibble about a certain aspect of Civil Service, overall the Civil Service system has served the State's citizens, public employees and public employers well by ensuring that the State has a qualified workforce.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 12th DAY OF JUNE, 2019



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